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Transportation Security Administration

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The Honorable Mike Rogers
Chairman
Subcommittee on Transportation Security
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing in response to the Subcommittee on Transportation Security's September 2012 Majority Staff Report, "Rebuilding TSA into a Smarter, Leaner Organization." I appreciate your support of a risk-based approach to transportation security and your wish to see the Transportation Security Administration (TSA) become a "smarter and leaner" agency, as you have stated in recent hearings and public statements. However, many of the Report's criticisms of TSA are inaccurate, and several of its recommendations are vague or repetitive of goals we are already actively pursuing.

Below I will address each of the Report's recommendations individually. First, however, I would like to address one topic of paramount importance: the Transportation Security Officer (TSO) workforce. In the Report and other recent statements, you and members of your staff have advocated for drastic cuts in the size of the TSO workforce while at the same time requesting more effective risk-based security. These demands are mutually exclusive. While the move towards risk-based security will create efficiencies in some areas, it requires staffing of the additional security layers that allow us to move away from one-size-fits-all screening without compromising security.

From 2005 to 2012, TSA's total TSO Full Time Equivalent (FTE) level increased by 1,057 to 46,057. In this same time period, TSA has allocated more than 6,700 FTE to additional security layers such as Travel Document Checkers (TDCs), Behavior Detection Officers (BDOs), and Playbook, that did not exist in FY2005 and FY2006. We also added 4,508 FTE to operate Advanced Imaging Technology (AIT) systems which received specific FTE funding beginning in FY2011. The change in the size and composition of the TSO workforce clearly shows that TSA's screening of passengers and baggage has become notably more efficient and effective.

We have over 26 percent fewer TSO FTE devoted to screening passengers and baggage using the technology and processes in place to meet the FY 2005 and FY2006 requirements. Over the same period passenger growth only changed 1.6 percent. Our additional layers of security allow us to respond to evolving threats to aviation security and safely screen nearly 1.8 million passengers, over one million checked bags, and two million carry on-bags each day. A preliminary assessment indicates a 20 to 30 percent cut in the size of the workforce severely impacts the following six layers of security: checkpoint screening, TDCs, BDOs, checked baggage screening, Visible Intermodal Prevention and Response (VIPR) operations, and random screening of airline, airport, and vendor employees. Also note that the majority of the

adjustment in the size of the TSO workforce over the years has been the result of specifically requested budget increases supported by the Congress for the specific purpose of adding and expanding security layers. Further, a layered security approach aligns with the 9/11 Commission recommendation that "the TSA must have multiple layers of security in place to defeat the more plausible and dangerous forms of attack against public transportation." In the 9/11 Commission Act (P.L. 110-53), Congress authorized TSA to establish VIPR teams and also directed TSA to provide advanced training to TSOs, including behavior observation and analysis.

A 20 to 30 percent reduction could have far reaching consequences not only to TSA, but to passengers and associated aviation businesses. Consequences would include lane closures at airports, which would cause longer wait times; insufficient coverage when personnel are on annual or sick leave; and detrimental relationships with airports, air carriers, tenants, vendors, and the general public. Risk reduction programs that counter previously identified risks, such as the insider threat and the expanded detection and deterrence capability of TSA, would also be diminished. Overall, the proposed reduction would have a detrimental impact to security operations and air commerce.

I am proud of our TSOs and other employees for the difficult work they do to protect the Nation's transportation systems to ensure freedom of movement for people and commerce. The following responses to the Report's recommendations will outline much of that work, as well as our current efforts to focus our resources and improve the passenger experience at security checkpoints. A perfect example of this exemplary work is the recent efforts of our workforce supporting the reopening of the New York – New Jersey airports following the devastation of Hurricane Sandy.

Recommendation: Prioritize the harmonization of aviation security standards worldwide.

Response: Working with partners to elevate security operations abroad has long been and remains a top priority for TSA. TSA has developed strong working partnerships with various regional and international organizations, including participating in several working groups under the auspices of the International Civil Aviation Organization (ICAO), the International Group of Eight (G-8), Asia-Pacific Economic Cooperation (APEC), the U.S. – EU Transportation Security Cooperation Group (TSCG), and the United Nations Aviation Security Group (UNASG) to raise the baseline in international civil aviation security and to promote the harmonization of international aviation security standards worldwide. In particular, TSA works closely with ICAO, a specialized agency of the UN that, among other things, is responsible for creating baseline international standards for civil aviation safety and security. ICAO Member States are obligated to comply with ICAO standards. The United States, through TSA, frequently drives the development of security-related standards and recommended practices to address new and emerging threats to strengthen global civil aviation as a whole.

I was a member of the U.S. delegation to the recent ICAO High-Level Conference on Aviation Security (HLCAS), held September 12-14, 2012, in Montreal. The HLCAS provided an opportunity for States and aviation stakeholders to discuss present and future challenges to aviation security, reach global consensus on key aviation security priorities, and make recommendations and provide clear guidance to the ICAO Secretariat for policy direction regarding critical aviation security priorities. Additionally, Member States re-emphasized their commitment to enhanced international cooperation and harmonized implementation of the

objectives of the ICAO Declaration of Aviation Security, as initiated during the series of regional conferences held in 2011 and 2012.

In addition to contributing to the development of improved global aviation security standards, TSA also engages in detailed discussions and assessments with key bilateral partners to advance U.S. security programs and recognize commensurate actions taken by other States. For example, TSA developed the National Cargo Security Program (NCSP) recognition program that establishes a comprehensive framework for reviewing, analyzing, and evaluating other countries' NCSPs for comparability with U.S. air cargo security requirements. Passenger air carriers operating to and from countries that provide a level of security that is determined by TSA to be commensurate with U.S. air cargo security requirements may comply with the country's NCSP in lieu of carrying out the cargo requirements of their TSA-approved security programs. The NCSP recognition program has further enhanced the level of security required for cargo transported on passenger aircraft while reducing the number of duplicative security measures where applicable.

Additionally, through the Beyond the Border agreement between the United States and Canada, TSA leads three harmonization initiatives: one relating to air cargo and NCSP recognition, another to checked baggage screening, and the third to NEXUS cardholders and trusted traveler programs. TSA is also working closely with the European Civil Aviation Conference (ECAC) to review individual programs and develop best practices for canine programs and BDOs.

TSA also employs a number of risk-based initiatives internally to prioritize international engagement, from foreign assessments to capacity development. TSA has developed a tactical-level methodology that defines the risk associated with each airport in its purview to guide the frequency of foreign airport assessments. By determining the appropriate frequency of visits based on the risk associated with each airport, we ensure the allocation of assets is based on the likelihood of a location being targeted, the protective measures in place, and the impact of the loss of that airport's services. Input from this analysis is also used to priorities TSA's capacity development efforts for providing assistance to countries in meeting ICAO standards and developing more mature security programs.

Recommendation: Adopt a comprehensive plan to mitigate evolving threats.

Response: TSA is a U.S. Government counterterrorism agency that utilizes a risk-based, intelligence-driven model. This mission is fulfilled through adapting and modifying our procedures quickly as new and emerging threats are identified. TSA's senior leadership begins each day with an intelligence briefing. From these daily briefings, TSA develops and deploys appropriate responses to evolving threats to our transportation systems. These responses take many forms including intelligence sharing with stakeholders, briefings to our Officers, the utilization of various screening activities, and coordination with other government agencies and local law enforcement. TSA is also a key member of the Department of Homeland Security's Counterterrorism Advisory Board, which applies appropriate security measures with evolving threat information.

In the past decade, TSA has developed a highly-trained Federal workforce that has safely screened approximately 7 billion passengers and established a multi-layered security system covering all security aspects of air travel. Through our Secure Flight program, we match all

passengers traveling from, within, bound for, or flying over the United States against names on Government terrorist watch lists.

TSA has implemented a number of Risk-Based Security (RBS) measures designed to maintain a high level of security, while improving the overall travel experience whenever possible. These measures include modifying screening procedures for children 12 and under, seniors 75 and older, and members of the military, as well as launching TSA Pre✓™, an initiative that pre-screens eligible passengers to potentially expedite their physical screening. Expedited screening measures allow our Officers to better focus their efforts on passengers where less information is known and who may pose a risk to transportation. I appreciate and thank you for your strong and vocal support for TSA Pre✓™, and I share your interest in expanding eligibility for this expedited screening. This is another major focus for TSA; while we want to rapidly increase the number of travelers eligible for TSA Pre✓™, we must do so carefully and while fully carrying out our underlying security mission. Over 4 million passengers have gone through TSA Pre✓™ thus far, with over 38 million being afforded alternative screening, such as the 75 and over, 12 and younger, Department of Defense members, and pilots and flight attendants through Known Crewmember.

In addition to the aforementioned RBS initiatives, TSA has implemented numerous enhancements to security technology. TSA has deployed more than 1,500 multi-view Advanced Technology X-ray units, more than 1,200 first and second generation Bottle Liquid Scanners, more than 700 next-generation life cycle replacements for Explosives Trace Detection equipment, and over 750 AIT machines, 80 percent with Automated Target Recognition (ATR) software. ATR enhances privacy by eliminating passenger-specific images and, instead, depicts anomalies detected on a generic outline displayed on a monitor attached to the AIT unit.

Each of these initiatives moves us away from a one-size-fits-all approach and increases our ability to provide the most effective security in the most efficient way possible. The traveling public is supportive of where TSA is headed: on November 16, 2011, the U.S. Travel Association (USTA) published survey data showing widespread support among travelers for TSA's efforts to improve the passenger checkpoint process. According to USTA, a majority of air travelers, when made aware of TSA's new initiatives, say they are likely to take more trips on commercial airlines in the coming year than they did in the previous year.

Recommendation: Expand the use of canine explosives detection assets.

Response: Thanks to your and other Members of Congress' strong support, TSA is expanding the use of Explosives Detection Canines (EDC) in both passenger and cargo environments. In fiscal year (FY) 2011, Congress appropriated funding to deploy 100 Passenger Screening Canine (PSC) teams trained to detect explosives on persons at domestic airports. In FY 2012, Congress funded an additional 20 PSC teams to be trained and deployed at domestic airports by the end of Calendar Year (CY) 2013. PSC teams provide an additional explosives threat detection layer to aviation security. They provide efficient, non-intrusive, and high-volume screening, while providing a strong visual deterrent to anyone who may attempt to penetrate our security measures. TSA is exploring the use of the PSC teams at a variety of airport locations, including sterile and non-sterile areas, and in support of RBS initiatives. This approach will allow us to supplement our existing detection technologies and screening methods at checkpoint locations,

mitigate insider threat concerns, and randomly conduct pre-board passenger screening at the gate area.

Currently, 64 PSC teams have completed training and are actively deployed. TSA projects to have 73 teams trained and deployed by the end of CY 2012, and the remaining 47 allocated teams will be trained and deployed by the end of CY 2013. Expanding the domestic airport PSC program above the current appropriated levels would require additional funding. We appreciate your support for deploying these teams for best security effect at the Nation's airports.

Regarding expanding the use of canines for cargo screening, from January through August 2011, TSA conducted a Third-Party EDC Pilot to determine the feasibility of using those teams to screen cargo prior to transport on passenger and all-cargo aircraft departing domestic airports. The pilot focused on the following primary objectives:

1) Determining industry's capability to use third party EDC teams to screen air cargo in accordance with the cargo screening requirements in the Implementing Recommendations of 9/11 Commission Act;
2) Identifying the standards necessary for program implementation; and
3) Assessing TSA resources required for program implementation.

During the Third-Party EDC pilot, TSA identified numerous requirements and challenges, such as industry's need to access the explosives on TSA's inventory list for canine training; TSA oversight required for explosives handling for canine training; and the operational mechanics and resource requirements for TSA certification and evaluation of third party EDC teams on a nationwide scale.

TSA, in close partnership with the air cargo industry, is continuing its efforts to expeditiously and thoroughly explore the complex issues identified through the EDC pilot for the implementation of a third-party EDC program to screen cargo.

TSA is working towards establishing guidelines and processes to further harmonize standards for EDC teams in the aviation security environment. We are engaged with ECAC, and in initial conversations with the European Commission, Australia, New Zealand, and Canada. The purpose of this engagement is to evaluate the standards for EDC teams, establish a framework for potential mutual recognition that would allow for harmonization of requirements for use of comparable explosives canine teams in cargo and terminal operations.

Recommendation: Enlist the private sector to modernize and, to the extent possible, automate the passenger screening process to reduce pat-downs.

Response: TSA has made significant progress in implementing ATR capabilities on AIT machines, which automatically identifies anomalies on passengers. Currently, approximately 80 percent of acquired AIT units have ATR functionality. ATR allows TSOs to conduct targeted patdowns to resolve alarms. Targeted patdowns lead to a better passenger experience and more efficient operations. Further, the number of passengers receiving patdowns remains extremely small.

TSA's pat-down policies are informed by the work of the Homeland Security Advisory Council (HSAC), which provides advice and recommendations to the Secretary on matters related to homeland security. HSAC comprises leaders from state and local government, first responder communities, the private sector and academia.

Recommendation: Implement privacy software on all AIT machines.

Response: TSA has strong privacy protections in its AIT systems and operational employment. AIT systems deployed at U.S. airports are not equipped to store, export, print, or transmit the images produced by the technology. TSA requires these capabilities to be disabled by the manufacturer. As noted above, TSA has also installed new software on millimeter wave AIT units, referred to as ATR upgrades. The ATR software enhances privacy by eliminating passenger-specific images, auto-detecting potential threats and indicating their location on a generic outline. If ATR identifies potential threat items during screening, a generic outline will appear on a monitor attached to the AIT unit highlighting any areas that require additional screening. If no potential threats are detected, an "OK" appears on the screen, and the passenger is cleared. ATR increases the throughput capability of AIT screening by eliminating the need for a TSO to view an image in a remotely located viewing room. By eliminating the image of an actual passenger and replacing it with a generic outline, passengers are able to view the same outline that the TSO sees, and the amount of time needed to resolve any anomalies is reduced.

TSA has upgraded all deployed millimeter wave units in use at airports with the new software and has currently deployed an additional 300 millimeter wave unit with the ATR software. TSA exercised the option to purchase an additional 200 AIT units equipped with ATR in May 2012, and deployment will be completed by December 2012.

For the backscatter AIT units, which do not yet have ATR, the TSO who assists the passenger never sees the image the equipment produces, and the TSO who views the image is remotely located in a secure resolution room and never sees the passenger. Additionally, there is privacy software on the equipment that prohibits the image-reviewing TSO from being able to identify facial features or see detail in sensitive areas. Additionally, TSOs are prohibited from taking cellular phones or any photographic technologies into the viewing location. TSA is currently in final testing of ATR for backscatter technology. Individuals will continue to be given the option of undergoing a physical screening as an alternative to AIT screening.

Recommendation: Sponsor an independent analysis of the potential health impacts of AIT machines.

Response: TSA places a premium on the safety of AIT units. Both types of AIT have been repeatedly evaluated and determined to meet all applicable national health and safety standards. Testing by independent entities, including Johns Hopkins University Applied Physics Laboratory, the Food and Drug Administration's Center for Devices and Radiological Health, the National Institute of Standards and Technology, and the U.S. Army Public Health Command have demonstrated that the radiation dose from a TSA general use backscatter AIT unit is well below established safety limits for individuals being screened; operators; and bystanders, including children, pregnant women, frequent flyers, and individuals with medical implants. In fact, the average person receives more radiation naturally each hour than they do from one screening by a general-use backscatter x-ray AIT system and receives the same amount of x-ray

exposure from two minutes of flight at altitude of the aircraft they are boarding. These independent entities had full and direct access to TSA's currently deployed general-use backscatter AITs during their evaluation and/or testing. Millimeter wave imaging technology meets all known national and international health and safety standards. In fact, the energy emitted by millimeter wave technology is 1,000 times less than the international limits and guidelines.

Each TSA general-use backscatter x-ray AIT system undergoes a radiation survey upon initial installation at an airport and every 6 months thereafter to ensure it stays in top working condition. In addition, TSA performs radiation surveys after maintenance on components that affect radiation safety and at the request of employees. These surveys and periodic maintenance activities ensure the equipment operates properly and meets all emission limits, thus providing a continuous level of safety.

Additionally, TSA has asked DHS's Science and Technology to work with scientific experts to conduct an additional independent analysis of AIT machines to ensure exposures comply with applicable health and safety standards.

Recommendation: Reduce the size of the TSA workforce.

Response: As previously discussed, proposed reductions in the size of the TSA workforce would have significant negative consequences.

Recommendation: Conduct cost-benefit analyses for all major programs and purchases.

Response: TSA follows all applicable U.S. Department of Homeland Security (DHS) acquisition and program management requirements. TSA program offices conduct cost-benefit analyses through the Analysis of Alternatives (AoA), a standard acquisition document required under the Acquisition Lifecycle Process in preparation for Acquisition Decision Events. Typically, once a Mission Need Statement (MNS), Operational Requirements Document (ORD), and Concept of Operations (CONOPS) are drafted, the program office will use them to develop the AoA. The AoA requires program managers to assess potential tradeoffs, including but not limited to costs, capabilities, technical feasibility, and schedule constraints.

In considering benefits of different programs, much has been written about the economic impact to the airline industry in the aftermath of 9-11 with estimates at $45 billion in the following 3 years. You can make can make various assumptions regarding loss of aircraft of different sizes and passenger numbers, multiple near simultaneous loss of individual aircraft, or loss of aircraft used as a weapons to create further loss of life and destruction. Beyond that you can consider the possible economic and psychological consequences to the Nation may be and what type of national security or military response that may entail. Our major programs and purchases that independently address a vulnerability that may otherwise be successfully exploited need to be considered in this context.

Recommendation: Communicate with industry to avoid setting technology requirements that are unattainable.

Response: TSA agrees with this recommendation and is acting on it. We have devised and will soon implement an industry engagement strategy that fosters meaningful communication with industry, in part through regular industry days focused on specific projects and programs. These industry days will be held at different phases of acquisition, from early in the requirements determination process to solicitation issuance. These early industry days will allow program officials to communicate with industry on draft specifications and acquisition strategy in hopes of gaining insight into industry capabilities to inform the requirements development process. The Passenger Screening Program is currently conducting a series of industry days and meeting with numerous small and large businesses to learn more about industry capabilities. The products of these industry days will be used to guide TSA in developing attainable technical requirements. It is important to note that TSA must work with vendors to purchase equipment that provides the necessary security benefit.

Recommendation: Contract with the private sector to perform screening.

Response: Per the Aviation and Transportation Security Act (ATSA), an airport's application submission initiates a request to participate in the Screening Partnership Program (SPP). TSA does not have the regulatory or statutory authority to direct SPP participation, and therefore, cannot unilaterally expand the role of private industry in passenger and baggage screening. Additionally, your Report states that "TSA will not accept the use of private screeners except under limited terms and conditions." TSA has fully complied with the changes to 49 U.S.C §44920 made by the Federal Aviation Administration (FAA) Reform and Modernization Act of 2012, which requires TSA to approve all SPP applications if approval will not compromise security, detrimentally affect cost efficiency, or detrimentally affect screening effectiveness. TSA has recently approved three resubmissions of past applications and two new applications for airport SPP participation. TSA will continue to expeditiously review and process all future SPP applications. TSA has already taken steps to initiate the acquisition process for all five airports. An airport does not fully participate in SPP until a contract is awarded.

The Report also suggests that converting to private screening would create more jobs. The same Staffing Allocation Model (SAM), which determines the staffing levels for federally screened airports, is used to estimate the level of staffing required by contractors to perform security screening at SPP airports. Using the SAM to guide contract procurement yields approximately the same number of contracted security screeners as Federal security screeners. Converting an airport from a federally screened operation to a privately screened operation merely transfers jobs from the Federal sector to the private sector, or depending on the private company's approach to security, could reduce as well as increase jobs. It does not spare the U.S. Government the expense of paying for screening operations. Transfers of screening to the private sector would not be considered cost efficient security if a private sector solution is more costly than TSA's.

TSA does, however, work extensively with the private sector to complete our mission. This year alone, TSA has awarded over $1.6 billion in contracts for goods and services, such as the purchase of security screening equipment, resulting in a significant and positive impact to the private sector.

Recommendation: Establish a 5-year procurement plan to guide future investments in aviation security technology research and development.

Response: In FY 2013, TSA is launching an integrated strategic planning initiative that will be developed with industry and stakeholders input, and include a 5-year plan to guide the security technology industry in making research and development decisions.

Recommendation: Work with stakeholders to streamline existing security regulations.

Response: TSA recognizes the critical role industry stakeholders play in the agency's mission to develop risk-based security policies, plans, and programs and to streamline existing regulation. TSA maintains highly productive relationships with diverse industry partners across various modes of transportation.

We are committed to routinely engaging industry partners as early as possible in the policy development process to ensure regulations are not only effective in combating security threats, but also operationally feasible for TSA and the industry. Toward this end, TSA has developed a security policy process that includes early, recurring consultation with key operators and representatives of the affected regulated parties. TSA carefully considers and evaluates the input obtained through industry consultation in drafting requirements. Affected parties also have an opportunity to provide feedback on the draft requirements before a final draft is developed. Additionally, TSA is working with industry stakeholders through the Aviation Security Advisory Committee (ASAC) to assess and enhance the role of industry stakeholders in the development of security policies. To date, the ASAC subcommittees have developed recommendations to facilitate early stakeholder involvement in the policy development process for consideration and potential adoption by the full ASAC. Even in exigent circumstances to respond to intelligence information on evolving threats, TSA will informally coordinate with key stakeholders to the extent feasible, to inform them of our issuing of urgent security measures.

Recommendation: Issue final rules for long overdue security programs.

Response: The rulemaking process is ongoing for both aircraft repair station security and the Large Aircraft Security Program. In both instances, a Notice of Proposed Rulemaking was published in the Federal Register and received extensive comments. Both documents are currently undergoing Administration review. I share your interest in seeing these rules published expeditiously and will continue to work to that end.

Recommendation: Reform the Prohibited Items List to better reflect evolving threats.

Response: TSA continually evaluates the Prohibited Items List (PIL) based on emerging threat information, global aviation practices, technological advances, and operational efficiency. As TSA identifies changes to the PIL, we communicate with key stakeholders, such as families of 9/11 victims, active duty service personnel, veteran groups, airlines, airport associations, airline employees, travel industry associations, and Congress. This outreach is followed by operational implementation of the change, including any associated training activities for the TSA workforce.

TSA is currently considering making changes to the PIL, and we will be happy to brief you on those changes.

I hope this information provides you with a more accurate understanding of TSA's commitment to protecting the transportation sector effectively and efficiently.

Like you, I also speak regularly with Members of Congress, many of whom take the time to pass along positive comments regarding their experiences with TSA and support for our mission. While a few regularly voice their disapproval in the press, numerous others have chosen to recognize TSA employees for exemplary work through personal meetings, floor statements, and letters of commendation.

I recognize that you and other Members of Congress often hear anecdotes about travelers' negative experiences with TSA. Those anecdotes do not account, however, for the large majority of the 1.8 million passengers who pass through our checkpoints each day with positive or neutral experiences. In fact, according to a Gallup poll released August 8, 2012, only 12 percent of the public thinks TSA is doing a poor job, while 54 percent thinks TSA is doing an excellent or good job. We must balance the need to provide passengers with a pleasant screening experience with the need to provide effective security. In doing so, we attempt to consider the views of the entire traveling public and other key stakeholders as much as possible. I look forward to working with you and the Subcommittee in 2013.

Sincerely yours,

John S. Pistole
Administrator